

EXHIBIT AA

Bryk, Jaclyn A.

From: Moriarty, Matthew
Sent: Tuesday, August 17, 2010 1:08 PM
To: Love, Avril G.; Anderson, Michele
Cc: Dean, Richard; Bryk, Jaclyn A.
Subject: agreement
Attachments: Draft 2.pdf

Good Morning.

Attached is the latest draft of the settlement agreement. Dick, Jackie and I are too close to the negotiation and drafting.

Here is your role: you are a Digitek lawyer who has not been involved in the experts or company witness depositions, or the negotiation of this agreement. Tell me and Dick how it reads and what questions you have about it. We will then take that "outsider" view into our next negotiating session.

Before you read this someone will probably tell you the basics: There is no proof of defect, and specific cause is a problem. We have a way out- Actavis is paying \$10m into a fund if 85% of the MDL cases and 90% of the tolled claims agree. It can get as high as \$13m if various % of state cases join. If you meet certain criteria you get into a grid which will pay cases on a point system. Not everyone will qualify. The fund will be administered by a special master who has available help from doctors and nurses. If you opt out you face Daubert challenges and new case deadlines.

Please contact me or Dick asap. We need to push this agreement so the PSC can send it to their constituents soon. The first PSC meeting is Thursday.

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